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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,261	05/08/2001	Koichi Mukasa	SUGIM33.001AUS	2985

20995 7590 12/22/2003

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EXAMINER

TRAN, LEN

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/851,261

Applicant(s)

MUKASA ET AL.

Examin r

Len Tran

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1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/23/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 04 055 078 A, and further in view of JP 2000 042769.

JP '078 discloses a laser welding head controlling system comprising a laser irradiating body with a laser inlet and outlet, plural semiconductor lasers to oscillate plural linear laser beams configured to be crisscrossed (interpret as the beams to hit the seams) over the seam line

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for measuring a welding state, an ITV camera, and an image processor to process the image of the welding state (figures and abstract).

However, JP '078 fails to disclose a CCD camera with a band pass filter, a condenser, and a processor using CAD data.

JP '769 discloses the method of using a CCD camera with a band pass filter, a condenser for the purpose of which condenses the light emitted from a weld zone as becomes the optical axis and the same axis of a laser beam which is irradiated by the work is formed. The purpose of the band pass filter is to change into the voltage signal according to light receiving intensity with the photodiode and amplifier as an optoelectric transducer, and is outputted to the welding state judging processor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide a condenser and band pass filter as taught by JP '769, in JP '068 in order to send signal of the welding state to the processor.

4. Claims 4-6, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '068 as applied to claim 4, 7, and 10 above in paragraph 3, and further in view of Anderson et al (US 5,938,446).

JP '068 fails to teach using CAD for control welding. However, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have CAD being part of the processing unit, since CAD is well known in any data retrieving art, to be

used as a data collection software. Therefore, incorporating the CAD data software would have been a desired choice or depending on the allowable expense of the project.

Furthermore, Anderson et al is introduced to show the importance of CAD for read-off of data which is input to a CAD program. Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide CAD as taught by Anderson et al, in JP '068 in order to achieve a quick response.

Response to Arguments

5. Applicant's arguments filed 8/20/03 have been fully considered but they are not persuasive.

Applicant's argument regarding to the semiconductor lasers are disposed to measure the welding state is unclear, since the examiner's interpretation of the claimed language indicates that the welding line is detected initially and then based on the image, a signal is transferred to the welding head for welding, as claimed in claim 3 and 10. Therefore, based on the broadest interpretation of the claims, claims 1-11 remain rejected. The argument set forth by applicant is not in commensurate with the scope of the claims.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (703)605-1175. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 703-308-3318. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Len Tran
Examiner
Art Unit 1725

LT
December 18, 2003

Kiley Stoner A.U. 1725
Kiley Stoner 12/18/03